

Canada (Province of, 1841-64). I
Council of Public Instruction

L A W

OF

SEPARATE SCHOOLS

IN

Upper Canada,

BY THE

ROMAN CATHOLIC BISHOPS,

AND THE

CHIEF SUPERINTENDENT OF SCHOOLS:

BEING THE FIRST PART OF THE

CORRESPONDENCE

ORDERED TO BE PRINTED BY THE LEGISLATIVE ASSEMBLY.



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THE SEPARATE SCHOOL QUESTION IN UPPER CANADA.

No. 1. Provisions of the Law relating to Separate Schools in Upper Canada.

COMMON SCHOOL ACT of 1850, 13 & 14 Vic., Cap. 48.

[Received Royal Assent, 24th July, 1850.]

XIX. And be it enacted, That it shall be the duty of the municipal council of any township, and of the board of school trustees of any city, town, or incorporated village, on the application in writing of twelve or more resident heads of families, to authorize the establishment of one or more separate schools for Protestants, Roman Catholics or colored people, and, in such case, it shall prescribe the limits of the divisions or sections for such schools, and shall make the same provision for the holding of the first meeting for the election of trustees of each such separate school or schools, as is provided in the fourth section of this act for holding the first school meeting in a new school section: Separate schools for Protestants, Roman Catholics and Colored People authorized. Provided always, that each such separate school shall go into operation at the same time with alterations in school sections, and shall be under the same regulations in respect to the persons for whom such school is permitted to be established, as are common schools generally: [Applicants prescribe limits in cities, towns and villages, by 14 & 15 V. c. 111.] Provided secondly, that none but colored people shall be allowed to vote for the election of trustees of the separate school for their children, and none but the parties petitioning for the establishment of, or sending children to, a separate Protestant or Roman Catholic school, shall vote at the election of trustees of such school: Under same regulations for elections and commencement as common schools. Provided thirdly, that each such separate Protestant, or Roman Catholic, or colored school shall be entitled to share in the [school fund] according to the average attendance of pupils attending each such separate school, (the mean attendance of pupils for both summer and winter being taken,) as compared with the whole average attendance of pupils attending the common schools in such city, town, village or township: Manner of electing trustees in such separate school sections. Provided fourthly, that no Protestant separate school shall be allowed in any school division except when the teacher of the Apportioning school moneys in same ratio as to common schools. [School "fund" changed to school "grant." 16 V. c. 185, s. 4.] Condition of establishment.

Proviso as to
certain returns.

common school is a Roman Catholic, nor shall any Roman Catholic separate school be allowed except when the teacher of the common school is a Protestant: Provided fifthly, that the trustees of the common school sections within the limits of which such separate school section or sections shall have been formed, shall not include the children attending such separate school or schools, in their return of children of school age residing in their school sections.

SEPARATE SCHOOL ACT of 1851, 14 & 15 Vic., Cap. 111.

An Act to define and restore certain rights to parties therein mentioned.

[Received Royal Assent, 30th August, 1851.]

Preamble.

13th and 14th
Vic. cap. 48, cited

Separate school
in each ward or
union of wards,
at option of ap-
plicants.

Proviso:
Conditions of
establishment
same as hereto-
fore.

WHEREAS it is expedient to remove doubts which have arisen in regard to certain provisions of the nineteenth section of an act passed in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*: And whereas it is inexpedient to deprive any of the parties concerned of rights which they have enjoyed under preceding school acts for Upper Canada: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That each of the parties applying according to the provisions of the said nineteenth section of the said act shall be entitled to have a separate school in each ward, or in two or more wards united, as said party or parties shall judge expedient, in each city or town in Upper Canada: Provided always, that each such school in its establishment and operations shall be subject to all the conditions and obligations, and entitled to all the advantages imposed and conferred upon separate schools by the said nineteenth section of the said act.

SUPPLEMENTARY SCHOOL ACT of 1853, 16 Vic., Cap. 185.

[Received Royal Assent, 14th June, 1853.]

Separate schools
for Protestants
and Roman
Catholics.

IV. And be it enacted, that in all cities, towns and incorporated villages and school sections, in which separate schools do or shall exist according to the provisions of the common school acts of Upper Canada, persons of the religious persuasion of each such separate school sending children to it, or supporting such school by subscribing thereto annually

an amount equal to the sum which each such person would be liable to pay (if such separate school did not exist) on any assessment to obtain the annual common school grant for each such city, town, incorporated village or township, shall be exempted from the payment of all rates imposed for the support of the common public schools of each such city, town, incorporated village or school section, and of all rates imposed for the purpose of obtaining the legislative common school grant for such city, town ; incorporated village or township ; and each such separate school shall share in such legislative common school grant only (and not in any school money raised by local municipal assessment) according to the average attendance of pupils attending each such separate school, (the mean attendance of pupils for winter and summer being taken) as compared with the whole average attendance of pupils attending the common schools in each such city, town, incorporated village or township ; and a certificate of qualification, signed by the majority of the trustees of each such separate school, shall be sufficient for any teacher of such school ; Provided always, firstly, that the exemption from the payment of such school rates, as herein provided, shall not extend beyond the period of such persons sending children to or subscribing as aforesaid for the support of such separate school ; nor shall such exemption extend to school rates or taxes imposed or to be imposed to pay for school houses, the erection of which was undertaken or entered into before the establishment of such separate school ; Provided secondly, that the trustees of each such separate school shall, on or before the thirtieth day of June, and thirty-first day of December of each year, transmit to the local superintendent, a correct return of the names of all persons of the religious persuasion of such separate school, who shall have sent children to, or subscribed as aforesaid for the support of such separate school during the six months previous, and the names of the children sent, and amounts subscribed by them respectively, together with the average attendance of pupils in such separate school during such period ; And the superintendent shall forthwith make a return to the clerk of the municipality and to the trustees of the school section or municipality in which such separate school is established, stating the names of all the persons who, being members of the same religious denomination, contribute or send children to such separate school, and the clerk shall not include in the collector's roll for the general or other school rate, and the trustees or board of trustees shall not include in their school rolls, except for any rate for the building of school houses undertaken before the establishing of such separate school as herein mentioned, the name of any such person as appears upon such return then last received from the said superintendent : And the clerk or other officer of the municipality within which such separate school is established, having possession of the assessor's or collector's roll of the said municipality, is hereby required to allow any one of the said trustees, or their authorised collector, to make a copy of such roll as far as it shall

Supporters to be exempted from common school rates.

To share in legislative grant same as common schools.

Proviso, 1st. Exemption from common school rates conditional.

2d. Half-yearly returns to local superintendent.

Return of supporters and the usual common school return.

Superintendent to report to clerk and trustees of municipality.

Effect of such returns :

Exemption from rates.

Separate school trustees to have access to assessor's roll.

- 3d.—Penalty for false returns, relate to their school section ; Provided thirdly, that the provisions of the thirteenth section of the said Upper Canada School Act of 1850, shall apply to the trustees and teachers of separate schools, the same as to trustees and teachers of other common schools: Provided fourthly, that the trustees of each such separate school shall be a corporation, and shall have the same power to impose, levy, and collect school rates or subscriptions upon and from persons sending children to, or subscribing towards the support of such separate school, as the trustees of a school section have to impose, levy and collect school rates or subscriptions from persons having property in such section or sending children to or subscribing towards the support of the common school of such section: Provided fifthly, that the foregoing provisions in this clause shall take effect from the first day of January, one thousand eight hundred and fifty-three, and shall extend to the separate schools, established or intended to be established under the provisions of the Upper Canada Common School Acts; Provided sixthly, that no person belonging to the religious persuasion of such separate school, and sending a child or children thereto, or subscribing towards the support thereof, shall be allowed to vote at the election of any trustee for a public common school in the city, town, incorporated village or school section within the limits of which such separate school shall be situate.
- 4th.—Separate trustees to be a corporation.
- Same powers to levy and collect rates from supporters as trustees of public schools.
- 5th.—Foregoing provisions to have effect from January, 1853.
- 6th.—Separatists not to vote for common school trustees.

Public school half-yearly returns to local superintendent.

Penalty for omission to do so.

Proviso.

V. And be it enacted, That the trustees of each school section shall, on or before the thirtieth day of June, and the thirty-first day of December, in each year, transmit to the local superintendent, a correct return of the average attendance of pupils in the school or schools under their charge during the six months then immediately preceding; nor shall any school section be entitled to the apportionment from the school fund for the said six months, the trustees and teacher of which shall neglect to transmit a verified statement of such average attendance of pupils in their school or schools; Provided always, that nothing herein contained shall be construed to repeal the provisions of the thirty-first section of the said Upper Canada School Act of 1850.

No. 2. The Chief Superintendent to the Honorable Inspector General Hincks.

Explanatory remarks on the provisions of a draft of bill relating to Separate Schools. (4th section of the Supplementary School Act of 1853.)

[No. 658, G.]

EDUCATION OFFICE,

[Extract.]

Toronto, 26th August, 1852.

4th Section. This section is designed as supplementary to the 19th section of the Common School Act in regard to separate schools. The most simple, and

perhaps the most satisfactory mode of silencing clamor on the part of parties demanding these schools, (if they are permitted to continue at all,) is that which is proposed in the part of the section contained in the margin (*b*)—namely, to relieve the parents and guardians sending children to them, from paying any school tax whatever, and then allowing them to share with the other schools according to average attendance in the same municipality in the legislative school grant alone. In case such a provision were adopted: 1. There would be no provision in the school law requiring a public municipal tax for denominational schools, and all opposition and clamor against it on that ground would cease. 2. There could be no complaint from any quarter that the supporters of a separate school paid more or less in school taxes than they received from the school fund. 3. All the inhabitants of a municipality except those who might choose to send children to the separate school, could proceed with their school interests as if no other class of persons were in existence. 4. The teachers of separate schools might be relieved from appearing before the County Board of Public Instruction for examination, and thus the last vestige of possible agitation between the supporters of separate schools and the municipal authorities, in relation to the subject at all, would be removed. If, on the other hand, the clause, as expressed in the text (*a*) is preferred, then all teachers of separate schools should be required to appear before the County Board of Public Instruction for examination, the same as other teachers of common schools; for I hold it as a sacred principle of municipal right, that no municipality should be required to assess and collect money for the support of teachers whose qualifications to teach are not attested by a board appointed by such municipality. Before any such board there is no examination as to religious doctrines or knowledge. The certificate of the priest, clergyman, or minister, of the religious persuasion to which each candidate professes to adhere, is taken by each county board as the guarantee for the religious qualifications of such candidate.

It will be observed, that in this (4th) section, I do not propose to specify the manner in which persons exempted from school taxes shall be returned or ascertained; for if any one mode be specified, it will be abused by scores of persons merely with a view of avoiding the payment of any school tax. I therefore propose to leave it a matter of instruction as to the mode of carrying this as well as every other provision of the law into effect, so that that kind of inspection can be employed that will prevent imposition or abuse.

Then the section does not, any more than the 19th section of the existing law, give the persons who petition for, and send children to the separate school, control over all the Roman Catholics or Protestants of the municipality; but only over those of the persuasion of the separate school who choose to support it.

But I find that the very mention of a separate column on the tax roll, for a separate school, excites a hostility and feeling that you can hardly conceive. I find very few others feeling as indulgent as I do in such matters. But I am apprehensive that some municipalities would refuse to levy any school assessment whatever under such circumstances; and probably boards of school trustees would feel still more strongly, many of their members would sooner go to prison

than be instruments of collecting moneys for the support of papal schools ; and Roman Catholics would loudly exclaim against being tax-assessors and tax-collectors for the support of Protestant schools. The proposition of a separate column on the tax roll, for the support of separate schools, would give an immense advantage to all opponents of separate schools ; but the 4th section in the accompanying draft of bill, as proposed in the margin (b) will, I think, give all that can be reasonably asked by any person in support of denominational schools, and will extinguish all agitation on the subject, yet require such conditions, returns and inspection in connexion with separate schools as will prevent abuses upon the school grant. It may be objected that should persons at one time sending children to a separate school, afterwards wish to send them to a common school, they should be required to pay the taxes at least for the erection of the school-house from which they had been exempted ; but this would oppose an obstacle to their coming back to the public school ; and I would wish to leave the door as wide open as possible for that purpose.

I may add that the subject of this fourth section has deeply exercised my mind. The part of the section as proposed in the margin (b) occurred to me after that in the page (a) was transcribed ; and I think it is the nearest approach to the solution of the difficulties connected with separate schools, if they are allowed to exist, that has yet been proposed.

(Signed,)

E. RYERSON.

The Honorable FRANCIS HINCKS, M. P. P.,
Inspector General, Quebec.

Original draft of the 4th section of the Supplementary School Act of 1853.

(a) *Section as in Text.*

IV. And be it enacted, That in all cities, towns, incorporated villages and school sections in which separate schools exist, according to the provisions of the 19th section of the said 13th and 14th Vic., chap. 48, all parents or guardians of the religious persuasion of such separate school, and sending children to it, shall be exempted from the payment of all school rates for the support of the common public schools of such city, town, incorporated village or school section, beyond the amount of rate which shall be required to secure the payment

(b) *Marginal Section.*

IV. And be it enacted, That in all cities, towns, incorporated villages and school sections, in which separate schools do or shall exist, according to the provisions of the 19th section of the said act, 13th and 14th Vic., chap. 48, parents or guardians of the religious persuasion of each such separate school sending children to it, shall be exempted from the payment of all school rates for the support of the common public schools of each such city, town, incorporated village or school section ; and each such separate school shall share in the legislative common school grant apportioned to each such city, town, incorporated village or township, (but shall not share in any school money raised by local municipal assessment,) according to the average attendance of pupils attending each such separate school (the mean attendance of pupils for summer and winter being taken), as compared with the

of the annual legislative school grant apportioned to each such municipality or school section: Provided always that such exemption from the payment of the ordinary school rates specified, shall not extend beyond the period of the existence of a separate school in each such city, town, incorporated village or school section, or beyond the period of such persons sending children to it, or of their being liable to be rated for its support: Provided likewise,—that the provisions of the 13th section of the said act, 13 & 14 Vic., chap. 48, shall apply to the trustees and teachers of separate schools the same as to trustees and teachers of other common schools.

whole average attendance of pupils attending the common schools in each such city, town, incorporated village or township; and a certificate of qualifications signed by the bishop or other ecclesiastical head of the religious persuasion of such separate school, shall be sufficient for any teacher of such separate school: Provided always—first, that the exemption from the payment of school rates as herein provided, shall not extend beyond the period of such parents or guardians sending children to such separate school: Provided—secondly, that the trustees of each such separate school shall, on or before the thirtieth day of June and thirty-first day of December of each year, transmit to their local superintendent, (verified by the oath of their teacher, before a magistrate,) a list of the names of all persons of the religious persuasion of such separate school, who shall have sent children to such separate school during the six months previous, and the names of the children sent by them respectively, together with the average attendance of the pupils in such separate school during such period: Provided—thirdly, that the provisions of the 13th section of the said act, 13th and 14th Vic., chap. 48, shall apply to the trustees and teachers of separate schools the same as to trustees and

teachers of other common schools: Provided—fourthly, that the trustees of each such separate school shall be a corporation, and shall have the same power to levy and collect school-rates or school-rate bills from persons sending children to such separate school as the trustees of a school section have to levy and collect school-rates or school-rate bills from persons sending to the common school of such section: Provided—fifthly, that no person sending a child or children to a separate school shall be allowed to vote at the election of any trustee for a public common school in the city, town, incorporated village or school section within the limits of which such separate school shall be situated.

No. 3. The Chief Superintendent to the Honorable Inspector General Hincks.

Explanatory Remarks on the Sections of a Draft of Bill relating to Separate Schools, to amend section 19 of the Common School Act of 1850, and section 4 of the Supplementary School Act of 1853.

EDUCATION OFFICE,

[*Extract.*]

Toronto, 6th September, 1854.

The following sections relate to separate schools, and, without undermining our general system, provide for all that even ultra advocates of separate schools have professed to demand, and all that I think the country can be induced to give.

I think our next step must be, if further legislation be called for, to take the sound American ground of not providing or recognizing separate schools at all. In this we should have the cordial support of nine-tenths of the people of Upper Canada; while in the course now pursued, the more you concede, the more you contravene the prevalent sentiment of the country, and the greater injury you are inflicting upon the great body of the parties for whom separate schools are professedly demanded, but who have not, as far as I am aware, any safe and adequate means of speaking for themselves, or of even forming a judgment.

These three sections relieve the trustees of separate schools from making any return or including any item in any return whatever, not required of other trustees; leave the applicants for separate schools to do any thing or nothing, as they please; but do not permit them to make the municipal council their school tax collector, nor give them the legislative school grant except in proportion to the average number of children they teach.

(Signed,)

E. RYERSON.

Proposed Sections relating to Separate Schools.

VI. And be it enacted, That so much of the fourth section of the act

Repeal of part of
16 Vic. c. 185, s. 4.

Of obligation on
supporters of
separate schools
to subscribe a
certain amount.

And on trustees
to report names
and subscrip-
tions of sup-
porters.

Proviso:
Supporters of
separate schools
exempted by no-
tifying clerk of
municipality
before 1st Feb.

subscribe or pay a certain sum in order to be exempted from the payment of the public school rates, and so much of the said section of said act as requires the trustees of a separate school to include in their semi-annual returns a statement of the names of the children attending such school, or of the names of parents or guardians sending children to such school, or of the sum or sums subscribed or paid by each of the supporters of such school, shall be, and is hereby repealed: Provided always, that the supporters of a separate school or schools, in order to be entitled to exemption from the payment of any public school rates for any one year, as authorised by the said 4th section of the act 16 Vic., chap. 185, shall, on or before the first day of February of such year, communicate in writing, with their names and places of residence, to the clerk of the municipality in which such separate school or schools are situated, a declaration to the effect, that they are supporters of such separate school or schools.

VII. And be it enacted, That the trustees of separate schools elected in each of the wards of any city or town in Upper Canada, shall have authority to unite, during their pleasure, into one joint board of trustees for the management of the several separate schools in such city or town.

Union of trustees of separate schools in cities and towns.

VIII. And be it enacted, That the Chief Superintendent of Schools for Upper Canada shall have authority to determine the proportions of the legislative school grant which may be payable respectively, according to law, to public and separate schools; and shall have authority to pay the sums thus apportioned in such manner as he shall judge expedient, upon the conditions, and at the time prescribed by law: Provided always, that such returns shall be made to him, and in such manner by all parties concerned, as he shall require, to enable him to decide upon the amount and payment of said sums.

Chief Superintendent to determine proportion of Legislative Grant to separate schools

No. 4. The Chief Superintendent to the Roman Catholic Bishop of Toronto.

Comparison of the School Laws of Upper and Lower Canada regulating Separate Schools,

[No. 1677. M.]

EDUCATION OFFICE,

Toronto, 26th August, 1854.

MY LORD,

During some months past, your Lordship has been pleased several times to attack me personally by name—attacks which have been often repeated and variously enlarged upon by the newspaper organs of your Lordship. On two occasions especially, once in Lower Canada, and once in Upper Canada, you have charged me with “falsehood.” The former of these attacks was made by you on the occasion of a “Catholic Institute,” at Quebec, presenting an address to your Lordship, and in which Mr. Cauchon, M. P. P., took a part, under the smiling approbation of your Lordship. This proceeding was first reported in Mr. Cauchon’s paper, *Le Journal de Québec*, and afterwards translated for, and published in, the *Catholic Citizen*, of Toronto, the 22nd of June. The latter of your Lordship’s attacks was made in an address to a “Catholic Institute” in Toronto, and reported in the *Catholic Citizen* of the 20th July.

I am quite aware that these attacks upon me, in connection with the provisions of the law in regard to separate schools, were designed to influence the recent elections; and for that very reason I thought it proper not to notice them until after the elections—that your Lordship might have every possible benefit of them, and that I might not give the slightest pretence for a charge that I interfered in the elections. Indeed, at no period during the last twenty-five years, have I electioneered for or against any candidate whatever. I have at different times, especially during the many years that I was an editor of a weekly paper, earnestly discussed great principles of government and civil rights, but in the application of those principles

for or against any particular candidate at an election, I have taken no active part, not even so much as to give an advice in any instance; nor can any man truly charge me with doing so.

But as that reason for my silence no longer exists, and as my silence seems to have been mistaken for an inability to answer your Lordship's statements and imputations, in consequence of which, one or two respectable journals in Lower Canada, have been led into the error of supposing that there was some ground for your Lordship's charges, I will briefly reply to them.

In my last annual report, I stated that supporters of separate schools in Upper Canada occupy the same position in respect to the public schools as do the supporters of separate schools in Lower Canada. Your Lordship charges me with the "direct assertion of falsehood," with asserting the "reverse of truth" on this subject.

Before noticing your Lordship's charges in detail, I may remark that when public men have said that they will advocate granting the same privileges to the Catholics in Upper Canada as are enjoyed by Protestants in Lower Canada, they are quite right, and say no more than I have said from the beginning—no more than I have sincerely intended—no more than each succeeding administration has intended—no more than the late Attorney General (now Judge) Richards believed was fully secured to them by the Supplementary School Act for 1853; for after he and I had gone over the several clauses of the *fourth* section (relative to separate schools) of the supplementary school bill, he asked me if the supporters of the separate schools were now placed on the same footing in Upper Canada as in Lower Canada; I replied I believed they were in every respect—that in some particulars there was a difference in the *mode* of proceeding in the two sections of Canada, arising from the existence of municipal councils and assessments in Upper Canada, and the payment of all school moneys by county and town treasurers, which did not exist in Lower Canada—that in regard to these peculiarities, nothing was required of the trustees of separate schools, which was not required of trustees of public schools, with the single exception that in the semi-annual returns of the former the names of children and their parents or guardians were included, with the amounts of their school subscriptions, in order that it might be known whom to exempt from the payment of public school taxes. But I desired the Attorney General to examine for himself the provisions of the two laws in regard to separate schools. At his request, I took the school law of Upper Canada as existing and as proposed, and he took the school law of Lower Canada, and went over the provisions clause by clause relative to dissentient schools, while I referred him to the corresponding clauses of the school law of Upper Canada; and after he had finished, he said the equality in the two cases was perfect, and he was prepared to defend it. After this examination, and with this conviction, the Attorney General, with the concurrence of his colleagues, brought the bill before the Legislative Assembly, and it was passed—after which, and for several months, your Lordship's newspaper organs boasted of it as subverting the foundation of our public school system, which your Lordship had so fiercely denounced, and would soon secure its overthrow. This turns out to have been a great mistake—our school system is neither shaken in its foundations, nor impeded in its progress; and now your Lordship manufactures new charges against

the school law, and new imputations against myself. I will now quote and answer them one by one.

1. *Bishop Charbonnel.* "In Lower Canada, *any number whatever* enjoy the right of establishing separate schools, while in Upper Canada it is necessary for *twelve* resident heads of families to apply in writing to the municipal council or the board of school trustees in any city or incorporated village."

Answer. This is not correct. There can be no dissentient school district in Lower Canada, which shall contain less than *twenty* children between the ages of five and sixteen years; nor can any dissentient school be *continued* which is not attended by "at least fifteen children." See sections 4, 19, 26, 27, Act 9 Vic., chapter 27. These conditions are not so easy as those required of the same parties in Upper Canada.

2. *Bishop Charbonnel.* "In Lower Canada, Protestants exercise, without restriction, the right of establishing separate schools, while in Upper Canada, persons desirous of doing so must be either freeholders or householders."

Answer. This is a mistake. The Upper Canada School Act specifies "resident heads of families" without any reference to their being freeholders or householders, and the "parties petitioning for and sending children to a separate school" elect the trustees.

3. *Bishop Charbonnel.* "In Lower Canada, Protestants have only to signify their intention of having started a separate school, while in Upper Canada before any proceedings are taken, Catholics must apply to a Protestant Board, before their school can have an existence." "That the right has been bestowed of establishing separate schools, even where a Protestant teaches a common school."

Answer. This is a mistake. The Superintendent of Education in Lower Canada says, in his official circular, "The present act authorises the establishment of dissentient schools *only upon the ground of religious difference*, and to the inhabitants only forming the minority." "The law relating to common schools does not recognise independent [Protestant denominational] schools."

(2) The Lower Canada School Act (9th Victoria, chapter 27, section 23) authorises the commissioners of each school municipality (the same as a board of school trustees in Upper Canada) "to regulate the course of study to be pursued in each school, and to establish general rules for the management of the schools under their care." And in order to establish a dissentient school, the 26th section of the same act provides, "That whenever, in any municipality, the *regulations and arrangements* made by the school commissioners for the conduct of any school, shall *not be agreeable* to any number whatever of the inhabitants *professing a religious faith different* from that of the majority of the inhabitants of such municipality, the inhabitants so dissentient may collectively *signify such dissent in writing* to the chairman of said commissioners, and give in the names of three

trustees, chosen by them for the purposes of this Act; and such trustees shall have the same powers and be subject to the same duties as School Commissioners, but for the management of those schools only which are under their control; and such dissentient inhabitants may, by the intervention of such trustees, establish in the manner provided for other schools, one or more schools, which shall be subject to the same provisions, duties, and supervision," &c. The 27th section of the Act provides, that no such School shall receive anything from the School Fund unless it "has been *in actual operation during at least eight calendar months*," and "has been attended by at least *fifteen children*."

By these provisions, it is clear that the dissentients must signify in writing to the Chairman of the Local School Board their intention to establish a Separate School or Schools, the same as in Upper Canada; but they are not entitled to a Separate School without avowing their dissent from the regulations made by the very Commissioners to whom they are required to make the application; nor can they receive any aid from the School Fund without having had a school in operation at least eight months, and attended by at least fifteen children. Another section of another act requires semi-annual returns made by them on *oath* of at least *two* of the trustees of the dissentient school as to the actual number that has attended their school—three conditions, these, and very serious ones too, which are not required of the Trustees of Separate Schools in Upper Canada.

4. *Bishop Charbonnel*. "In Lower Canada, the clergymen of all religious denominations in each municipality are eligible without any property qualifications to be School Commissioners."

Answer. So they may be elected trustees of separate or other schools, or appointed school superintendents in Upper Canada, without any property qualification whatever—without even being residents in the school sections where they are elected,—and even without being British subjects or taking the oath of allegiance.

5. *Bishop Charbonnel*. "Protestant Trustees in Lower Canada have the same powers accorded to them as is given to Catholic Commissioners."

Answer. The powers of Trustees of Separate Schools in Lower Canada are confined to the dissentients and the schools under their control. It is the same in Upper Canada.

6. *Bishop Charbonnel*. "Protestant Trustees in the Lower Province are constituted a Corporation for assessment and collection, and are entitled to receive from the Chief Superintendent, if they please, the sum proportionate to the dissenting population."

Answer. The trustees of dissenting schools are designated by an inferior title to that given the managers of the Catholic schools in Lower Canada. They are called "Trustees of the dissentient schools in the municipality," while the others are designated "The School Commissioners of the municipality," and are declared to be a corporation under that name. The Protestant schools are not honored with

the name of "separate schools," but are designated "dissentient schools," and the managers are not called "commissioners," but "trustees," in contradistinction to commissioners; and are required to apply to the "president of the school commissioners" for any lists of assessments and names of school rate-payers, &c., in which they are interested, and to express, "at least one month before the first day of January and first day of July, that they are not satisfied with the arrangements antecedently made by the school commissioners in said municipality," in order to obtain a release from the payment of school rates to the Catholic school of such municipality, and to collect them for the "dissentient school or schools."

Nor is it correct to say, that the school fund in Lower Canada is given to the trustees of a "dissentient" school in a municipality, "proportionate to the dissenting population." This was the case under the School Act of Lower Canada of 1846; but this provision was repealed by another School Act (12 Victoria, chap. 50), passed in 1849, the 18th section of which provides, that the "dissentient schools" shall be entitled to receive from the superintendent a share of the general school fund (that is the legislative grant) bearing the same proportion to the whole sums allotted from time to time to such municipality as the number of children attending such dissentient school bears to the whole number of children attending school in such municipality at the same time." Accordingly, in the School Act of Upper Canada, passed the year after the passing of the School Act of Lower Canada, just quoted, it was provided that "each separate school shall be entitled to share in the school fund according to the average attendance of pupils attending each such separate school, as compared with the whole average attendance of pupils attending the common schools in such city, town, or township." Thus the basis of distributing the money allotted by the Chief Superintendent to municipalities between the separate and municipal schools, is precisely the same in both parts of Canada.

7. *Bishop Charbonnel.* "Every facility is afforded to Protestants for the collection of the sums to which they are entitled. They have the same right of employing the municipal officers or not at their discretion."

Answer. The trustees of separate schools have precisely the same rights and the same facilities for procuring the information they may require from the assessor's roll of school tax-payers, as have the trustees of the common schools, and as have the trustees of dissentient schools in Lower Canada, and can employ any person as their collector of the rates imposed by them, who is willing to accept the office, the same as the trustees of common schools.

8. *Bishop Charbonnel.* "They have the right of receiving a due proportion of the building fund."

Answer. The school law of Lower Canada authorises the expenditure of a portion of the legislative school grant in the erection and repairs of school-houses. This is not allowed in Upper Canada, in regard to school-houses of any description. The whole of the legislative school grant in Upper Canada must be expended in

paying the salaries of teachers, in which separate schools share equally with other schools upon the same principle of distribution as that which is provided by law in Lower Canada. There is, therefore, no school "building fund" in Upper Canada; and therefore none for common, any more than for separate schools.

9. *Bishop Charbonnel.* "Of having in Montreal and Quebec only one board of six members wholly independent of the other board."

Answer. The trustees of each separate school in Upper Canada are constituted a board of examiners, "independent of all other boards" to give certificates of qualifications to their own teachers—a power not given to any other board of trustees in any city, town, or municipality in Upper Canada.

10. *Bishop Charbonnel.* "Of receiving in these cities a sum proportionate to their population."

Answer. There is no school rate, as such, levied in Montreal and Quebec. The arrangement of paying certain sums out of city funds which is confined to those two cities, and does not extend to any other part of Lower Canada, tells powerfully against the Protestants in those two cities, as they are not allowed to share in the fund according to their property or the taxes they pay, but according to their numbers—which are very small in proportion to their wealth, and therefore small in proportion to what they themselves pay to the fund itself.

11. *Bishop Charbonnel.* "And still further right of exemption from taxation for the purpose of establishing common school libraries and buildings."

Answer. The school commissioners themselves in Lower Canada, are not authorised to levy rates for libraries. The supporters of separate schools in Upper Canada are exempt from all school rates for libraries, as well as for the salaries of teachers, and from all rates for the erection of school-houses except such as were undertaken before the establishment of a separate school. Nor are the supporters of "dissentient schools" in Lower Canada exempted from the payment of any school rates, whether for school-houses or for other purposes, which were levied before they established separate schools. The trustees of separate schools in Upper Canada have the same power, and receive the same assistance, for the establishment of libraries, as do the trustees of common schools.

12. *Bishop Charbonnel.* "The right is also granted of corresponding with the Superintendent alone, and the right of such large, beneficial and liberal constructions as will ensure the attainment of the objects of the act, and the enforcement of the several enactments, according to their true intent, meaning and spirit."

Answer. The same right exists in Upper Canada in regard to the trustees of separate as well as of public schools, and has never been denied in any one instance. But it is a regulation of my department, that parties complaining should furnish a copy of their communication to the parties against whom they complain, and against whom my decision is invoked—and I have adverted to a disregard of this equitable and necessary regulation on the part of separate school trustees in the

city of Toronto,* although I did not even delay on that account to receive and answer their communication. The publication of my correspondence with these parties—and which has been withheld in the bishop's newspaper organs that have perpetually assailed me—would furnish a complete refutation of this unjust and groundless insinuation. It has also been shown above that the “dissentient minority” in Lower Canada, must previously “correspond,” not “with the superintendent alone,” and not at all with him, but with the Catholic school commissioners of the municipality as to the establishment of a “dissentient” school, and must make a protest against, or avow their dissent from, the school regulations made by such commissioners, in order to establish a separate school; and afterwards make another written protest in order to be exempted from the payment of school rates levied by such commissioners—regulations which said commissioners are not required to communicate to dissentients at all. Should the Roman Catholic school commissioners make no “regulations” to which the Protestants could object, “on the ground of religious difference,” they could not establish a “dissentient” school—as every step they take towards the establishment of such school, must be subsequent to the making of school regulations by the commissioners; must be effected by corresponding with such commissioners, and not with the Chief Superintendent; and must contain a protest against, or avowed dissent from, the regulations made by such commissioners. Besides this, each semi-annual return to the Chief Superintendent of the actual attendance of children at the “dissentient school” must be made *on the oath* of at least two of the trustees—a requirement which is not imposed upon the Catholic commissioners in making their semi-annual returns. Now, were the trustees of separate schools in Toronto placed in such a relation to the trustees of the public schools, and compelled to make every return *on oath*, without such oath being required of the other trustees, we should then have much more serious and better founded complaints from your Lordship. Nor is it unworthy of remark, that no religious denomination in Lower Canada can have separate schools such as are granted to Roman Catholics in Upper Canada. In Lower Canada the schools of the majority are denominational, while the schools of the minority are non-denominational—it having been officially and judicially decided there that the schools of the “dissentients” are for Protestants generally in contradistinction to Roman Catholics, but not for any one denomination of Protestants in distinction from others. Therefore the schools of the minority in Lower Canada cannot be used for denominational purposes, while the schools of the majority are so used universally.

13. *Bishop Charbonnel.* “It is again enacted that no corporation shall alienate any portion of property held by it without the sanction of the Chief Superintendent, and no such corporation shall cease by reason of the want of school commissioners in any municipality at any time.”

Answer. Nor can any corporation cease to exist in Upper Canada for want of a school, or even for want of members; nor can school property be alienated or applied to other than school purposes, even with the sanction of the Chief

* See letter to the trustees of Roman Catholic Schools, Toronto, dated 11th May, 1854.

Superintendent; and separate school corporations in Upper Canada are responsible to their supporters alone, in regard to all school property, and not to the Chief Superintendent.

14. Such are the points on which your Lordship has undertaken to compare the school laws of Upper and Lower Canada in regard to separate schools, in order to prove that I have asserted "falsehoods," and that I have got laws passed which are unjust and oppressive towards the Roman Catholics; and by means of such statements and representations, your Lordship has endeavoured to impress public men in Lower Canada with the idea that you are cruelly oppressed and persecuted by the school law and its administration in Upper Canada, and thus to sow the seeds of distrust and dissension between the two sections of United Canada, and invoke the interference of Lower Canada in matters appertaining exclusively to Upper Canada. The intelligent statesmen of Lower Canada will, no doubt, be surprised to find how utterly apocryphal are your Lordship's representations on this subject, and how grossly you have wronged the people and public men of Upper Canada by your statements and appeals.

15. Your Lordship has represented me as having "been compelled to change my decision" on a matter respecting which I gave but one decision, and that willingly and promptly;* and you have assailed me with opprobrious epithets and allusions, when, if the correspondence which has taken place between this department and persons acting under your Lordship's direction, were published, it would be seen who has endeavoured to give the most liberal construction and application of the law, and who has sought to evade its provisions, to embarrass its operations, and to create and multiply causes of dispute; that if money has not been paid when the law provided for its payment, to whom the delay is justly attributed:—that if (according to the reported proceedings of the board of school trustees for the city of Toronto, this very week) the legislative school grant is promptly and fairly apportioned between the public and separate schools in 1854, it is not because the law is different from what it was in 1853, but because the provisions of the law have been complied with by parties who did not observe those provisions last year. Nor can the fact fail to be noticed, nor its legitimate inference be overlooked, that these disputes between separate and other school trustees, are, as far as I know, confined to the city of Toronto, and as the noise about the school law has been commenced and perpetuated by an ecclesiastico-political institute, of which your Lordship is the animating spirit, there must be some other cause than anything unjust and oppressive in the provisions of the law in regard to any party.

A key to explain much of the zeal evinced by your Lordship is furnished in a remark of Mr. Cauchon's, whose address to your Lordship seems to have afforded you so much gratification. Mr. Cauchon says: "Who is ignorant of the fact, that Protestantism is intolerant in its very nature. It will cry out to you, be freemen, if you think as we do; if not, be slaves. Liberty is for Protestants." This, it appears, is the feeling your Lordship seeks to inculcate in Lower Canada, in regard

* See letter to certain Roman Catholic inhabitants of St. David's Ward, Toronto, dated 30th August, 1853.

to the religion and spirit of the great majority of the people of Upper Canada, and is sufficient to account for your efforts to seek the destruction of our public schools and school system. In reply, might I not assert as fact, apart from theology, that the essential principle and life of Protestantism is liberty, and that no true Protestant can be a religious persecutor; and that the liberty and rights enjoyed by Roman Catholics in the Protestant countries of Great Britain and the United States, as compared with the liberty and rights enjoyed by Protestants in the Italian States of the Pope, afford a happy commentary on the liberality, the modesty, the intelligence and the truth of the assertion, that "Protestantism is intolerant in its very nature;" and that "among Protestants, all are slaves except Protestants."

I have only to remark in conclusion, that it has not been my object in this communication to express an opinion as to whether or not the school law is susceptible of amendment or improvement on the subject referred to. In regard to allegations against the school law and its administration, I intimated in my last annual report, that an investigation of them by a government commission or parliamentary committee, would be just to the school system and equally just to all parties. Your Lordship seems to prefer the mode of making addresses at Institutes in Toronto and Quebec on the subject, to the method of public inquiry, where both sides can be heard, and where assertions are weighed in the impartial balance of intelligence and justice. There is no accounting for tastes; but as your Lordship has chosen to charge me before popular audiences, and through the newspapers, with injustice in my official acts, and falsehoods in my official statements, rather than meet me at the tribunal of a governmental or parliamentary inquiry, I have been compelled to write and publish this letter. Whether I have acted unjustly towards the Roman Catholics—whether I have not treated them with the same consideration that I have any other religious persuasion in Upper Canada, I am prepared to answer before any tribunal of inquiry which may be appointed; and whether your Lordship or I have made incorrect statements, any one can judge after reading your Lordship's assertions above quoted, and my answers to them.

I have the honor to be,

Your Lordship's faithful servant,

(Signed)

E. RYERSON.

The Right Reverend Dr. DE CHARBONNEL,
Roman Catholic Bishop of Toronto.

No. 5—*Comparative Table of Legislation on Separate Schools in Canada, prepared by three*

IN UPPER CANADA.

Dissenters must		For having Separate Schools, be <i>twelve</i> heads of families ; apply <i>to</i> and be authorised <i>by</i> persons opposed to them	A. 19.*
Separate School Supporters	Cannot	Have a Separate School where a Catholic teaches a Common School, nor provide by themselves for the Election of Trustees.....	
		Nor elect for Trustee a Clergyman having no property	A. 5.
	Must	Contribute to the Common School Buildings and Libraries	A. 27.—B. 4.
Separate School Trustees	Cannot	Be less than 21 in Toronto	A. 22.
		Exercise the same powers as the Common School Trustees	A. 19.—B. 1.
		Circumscribe their Schools wherever they like...	A. 19.
		Receive their shares from the Chief Superintendent, and apply to him for any case they like	A. B. here & there.
		Nor receive any share according to population..	B. 4.
		Avail themselves of the Municipal Assessment and Collecting.....	do.
	Must	Take a census during the greatest heat and cold	do.
		And twice a year the names of Parents and Pupils, with daily attendance.....	do.
		The names of Subscribers to Separate Schools, having no child thereat	do.
		And the amount of their Taxes, even unknown..	do.
Separate Schools		Collect Taxes from Parents and Subscribers....	do.
		Are visited by Clergymen of different faith.....	A. 32.

N. B.—*A. means 13 & 14 Vict., c. 48 ; B. 16 Vict., c. 185.

From those penalties general dissatisfaction of Dissenters, who cannot have either Separate Schools or the money due for them ; witness Toronto, Hamilton, London, St. Catharines, &c. &c.

For further particulars see the pamphlet of Angus Dallas, just published, entitled, "*The Common School System, its Principle, Operation, and Results.*" Toronto: Thompson & Co., printers, King Street East.

Upper and Lower Canada, and Draft of a School Bill for Upper Roman Catholic Bishops.

IN LOWER CANADA.

Dissenters may	In any number whatever, heads of families or not, establish Separate Schools, without petition <i>to</i> , or authorisation <i>from</i> , persons opposed to them.....	A. 26.—B. 18.
	Have Separate Schools even where a Dissenter teaches the Common School	
	Keep Common School Buildings for themselves, far from being obliged to contribute to Common School Buildings or Libraries	A. 26.
Separate School Trustees	Elect for Trustee a Clergyman having no property	B. 6.
	Are only six in Quebec and Montreal, larger cities than Toronto.....	A. 43.
	Have all the same powers as the Common School Trustees	A. 26.
	Circumscribe their Schools as they like.....	B. 18.
	May apply to the Chief Superintendent for any case, and receive from him their shares in all School Funds.....	A. 26.—B. 18.
	On easy Reports and Certificates.....	A. 27.—B. 18.
	According to their population in Quebec and Montreal, and wherever they are pleased with the Municipal Assessment, and Collecting	A. 26, 43.
	If not, they provide for both, and get shares according to attendance.....	B. 18.
	Cannot be visited by Clergymen of Rome.....	A. 33.

N. B.—A. means 9 Vict., c. 27 ; B. 12 Vict., c. 50.

From those liberal clauses working liberally, full satisfaction of Protest.nts.

The only efficient remedy to that inveterate wound in a country which wants, above all, union and peace for its progress and prosperity, is to repeal clauses 19 A. and 4 B., Upper Canada; to place separate schools for everything under only one Official, not opposed to separate schools, and give them an equal share in all school funds. On that principle, and on the legislation of Lower Canada, is framed the following project of a School Bill:

An Act to better define certain Rights to parties therein mentioned.

Preamble.

WHEREAS the clauses of the school acts on separate schools in Upper Canada do not secure all that is granted to the dissenters in Lower Canada,

Repeal of separate school clauses.

I. Be it enacted, That the clauses 19—13 & 14, V., c. 48,—and 4—16 V., c. 185,—be and are repealed.

Any number of dissentients may establish a separate school and elect trustees.

II. That in any school section, when the arrangements for the common school shall not be agreeable to any number whatever of dissidents, those dissidents may signify in writing to the chairman of the board of common school trustees, their will of having one or more separate schools, and give in the names of three trustees, freeholders or not, elected by a majority at a public meeting convened by three heads of families of the same school section, and held according to the clauses 4 and 5 of the School Act of 1850: Provided that no member of those dissidents shall be allowed to vote at any common school election within the school section in which their separate schools shall be established. (So it is in Lower Canada, see 9 V., c. 27, sec. 26.)

Trustees a corporation, with same extended powers as common school trustees.

III. That the said trustees, by the only fact of the said signification and election, shall form *de facto* a corporation under the name of having all the same rights and powers, as defined and extended in common school acts of Upper Canada and in this act, subject to the same duties and penalties as the board of common school trustees, such as defined in the clauses 12 and 13 of the School Act of 1850, with the exception that they will be exclusively accountable to the only one official appointed *ad hoc* for copies, reports, &c.: That board also shall be renewed partly at each annual school meeting, as provided by the clause 3 of the School Act of 1850. (So it is in Lower Canada, see ditto.)

Exclusively accountable to their own special official.

IV. That in localities divided into wards, each ward this year within two months after the passing of this act, and every year after, on the second Wednesday of January, shall elect one fit person to be a trustee of one or more separate schools, and hold office until his successor be elected at the ensuing year, or himself may be re-elected if he consent thereto; that those trustees shall form one corporation under the name of having the same rights, subject to the same duties and penalties as mentioned in the preceding clause III, with the same exception that they will be accountable, for such conditions as may

General public meetings in each ward to elect separate school trustees.

Corporation

Exclusively accountable to their own special official.

be required, exclusively to the only official appointed for the superintendence of separate schools; and that any majority of the members present

at any meeting regularly held, at which there shall be an absolute majority of the members of the board, may validly exercise all the powers of the corporation. (So it is in Lower Canada, see 9 V. c. 29, sec. 5.)

V. That the said trustees may circumscribe their separate schools as they like, (so it is in Lower Canada, 12 V., c. 50, sec. 18,) receive children of their faith from other school sections, (so it is in Lower Canada, 9 V., c. 27, sec. 29,) and qualify teachers for their separate schools, until they have a separate normal school. Special powers additional to clause III.

VI. That the said trustees shall be entitled to receive from their said special superintendent, on a report such as required by him, such sums out of the government grant out of all the taxes for school and library purposes, and out of any provincial or municipal school funds, as proportionate to the population they represent according to the last official census, (so in Lower Canada, 9 V., c. 27, sec. 26, 12 V., c. 50, sec. 18,) provided that those sums shall be expended for school purposes: Provided also, that should any municipal corporation refuse to pay any portion of those sums, either the Chief Superintendent shall deduct a sum equal to the deficiency from the apportionment of the current and following years, until full payment, or the secretary of the board shall refer the case to the superior court, who will judge of it, and shall order the payment by all legal means. To receive sums from grant, all taxes, and public municipal funds in ratio of population, on such report, as their own special official may require. Compulsion of municipality in case of refusal.

VII. That such of the provisions of the common school acts of Upper Canada as are contrary to the provisions of this act, shall be and are hereby repealed. All contrary school acts repealed.

VIII. That generally all words and provisions of this act, doubts and difficulties arising about it, shall receive such large, beneficial and liberal construction as will best ensure the attainment of this act, and the enforcement of its enactments, according to their true intent, meaning and spirit. (So in Lower Canada, 9 V., c. 27, sec. 55.) Act to be freely interpreted.

IX. That the present act shall take effect from the first of January of this year, 1855. Commencement

We, the undersigned, hereby declare that nothing short of the above will satisfy the conscientious convictions of the Catholics of this Province.

+ PATRICK PHELAN, Bp. of Carthage, Adm't. Apostolic.
(Signed) + ARMANDUS FR. MA., Bp. of Toronto.
+ JOS. EUGENE, Bishop of Bytown.

No. 6. *The Chief Superintendent to the Honorable Attorney General McDonald.*

On the Roman Catholic Bishops' comparative table of legislation on Separate Schools, and draft of a new School Bill for Upper Canada.

[No. 1353, N.]

EDUCATION OFFICE,

Toronto, 2nd April, 1855.

SIR,

As you are the member of the Government to whom has been confided the care of all measures relating to the educational interests of Upper Canada, I desire to address to you some observations on a paper (a copy of which is hereto appended), which the Right Reverend Dr. de Charbonnel, Roman Catholic Bishop of Toronto (after having procured the signatures to it of the Roman Catholic Bishops of Kingston and Bytown), has distributed amongst the members of the Legislature during the present session, and has pressed upon the Government as the ultimatum of his demands on the subject of separate schools. This paper consists of two parts—first, a professed comparison between the school laws of Upper and Lower Canada, and secondly, a draft of bill embodying provisions, as the signers state, nothing short of which will satisfy the conscientious convictions of the Catholics of this Province.

I have said that this paper is signed by three Roman Catholic Bishops. This is the case with the copy before me, and with copies which have been enclosed to some members of the Government and of the Legislature; but I believe the greater number of copies of it are anonymous, and have been enclosed in a pamphlet against our school system, published by Mr. Angus Dallas, wooden ware and toy merchant, Toronto, who, though he is said to be sceptical as to the Christian religion itself, has written against our school system, because it is not religious enough, in hopes of inducing the religious people of Canada to prevent the board of school trustees in the city of Toronto from taxing his property to support free schools—institutions which fill Mr. Dallas' imagination with terror, and tinge the pages of his pamphlet throughout with the hue of sombre melancholy. Bishop Charbonnel is the only ecclesiastic I know of in Canada, and the *Catholic Citizen* the only newspaper I have seen, who have extended to the sceptic writer of this sorrowful pamphlet the support of their patronage in the circulation of his attack upon our public school system. The professed facts of this pamphlet are fictions, so far as they apply to our schools, and so far as they relate to myself personally and to the normal school. I should not refer to it here, as I have not thought it needful to notice it, were it not circulated by Bishop Charbonnel, and introduced as an authority into the paper which he has circulated amongst the members of the Legislature, and were there not introduced, as the motto of the pamphlet, a garbled extract from an address delivered by the Honorable Chief Justice Robinson, at the opening of the new normal school buildings for Upper Canada, the 24th November, 1852, by which it is attempted to make the Chief Justice

express a sentiment unfavorable to our public school system. Sir John Beverley Robinson has evinced himself a cordial friend of our school system, as testified by his addresses on various occasion; the distinguished Baronet is a man of too high a sense of honor and propriety to have consented to deliver the address on the auspicious occasion referred to, had he not approved the system of public instruction of which the normal and model schools are the types and auxiliaries: and such was the whole character of the beautiful discourse which he read and which was published entire in the *Journal of Education* for December 1852, and in my annual report for the same year. But, as late as the 8th of last January, Chief Justice Robinson, in his annual address before the Canadian Institute, took occasion to allude to our common school system in the following significant terms:

"If the system of common school education which pervades all parts of Upper Canada shall continue to be maintained in full efficiency, which there is no reason to doubt, the number of those who can enter with pleasure and profit into discussions upon subjects of science will be immensely increased; and those whose generous aim it may be to enlighten and improve others by communicating freely the results of their own researches and experiments, will find abundance of hearers and readers able to understand and reason upon their theories. There is good ground, too, for expectation that, with the advantage of public libraries, selected as they are with care and judgment, which are being formed within the several counties, and even within each school section, a spirit of inquiry will be fostered, and an ambition excited to be distinguished in scientific pursuits, which we may hope will in time add largely to the number and variety of interesting contributions to the Institute."

Therefore Bishop Charbonnel and Mr. Dallas (the one in his personal intercourse and the other in his pamphlet) are wholly unjustified in using the name of Chief Justice Robinson as authority for their attacks upon our school system.

I will now address myself to the paper referred to; and in doing so, I will notice first, The statements which Bishop Charbonnel has made in his comparative view of the school laws of Upper and Lower Canada; secondly, The nature of the demands made in Bishop Charbonnel's draft of Bill; and thirdly, The course of proceeding which I have pursued, and which Bishop Charbonnel has adopted towards me, in respect to separate schools.

I.—Bishop Charbonnel's statements respecting the school laws of Upper and Lower Canada in regard to separate schools.

The statements contained in this "Comparative table of the legislation on separate schools," are the same as those which were delivered by Bishop Charbonnel at the "Catholic Institute" in Toronto, and published in the *Catholic Citizen* in July before the last general elections, and afterwards shown by me to be wholly incorrect in a letter addressed to the Bishop published in the Toronto papers, and dated 26th August, 1854.* The Bishop repeats and republishes these statements just as if they were true, and as if they had never been shown to be otherwise. It will therefore be necessary for me to notice them again in order.

* See letter, No. 4, to the Roman Catholic Bishop of Toronto.

1st Statement.—"In Upper Canada, dissenters must, for having separate schools, be twelve heads of families, apply to and be authorised by persons opposed to them; in Lower Canada, dissenters may, in any number whatever, heads of families or not, establish separate schools, without petition to, or authorisation from persons opposed to them."

Correction.—Both parts of this statement are incorrect, "twelve heads of families," in place of ten freeholders, as provided in previous acts, were inserted in the school act of 1850, in accordance with the wish of the acting Heads of the Roman Catholic Church at Toronto; and I would have as readily proposed five heads of families as twelve had it been desired, nor will any one pretend that a school can be established and sustained by fewer than twelve heads of families. It is not correct to say that there is no reference to numbers in Lower Canada; though heads of families are not mentioned, the offspring of heads of families are specified; for a dissentient school is not allowed except in a school district which contains more than *twenty* children between the ages of five and sixteen years; nor can any dissentient school be continued which is not attended by "at least fifteen children," as certified *on oath*, a condition imposed on the dissentients of Lower Canada alone. See sections 4, 19, 26, 27, Act 9 Vic. ch. 27, and section 18, of the Act 12 Vic. ch. 50. These conditions and the returns they involve, are vastly more restrictive and onerous than a single application signed by twelve heads of families, without reference either to the number of children residing in the school district between the ages of five and sixteen years, or the number in actual attendance at school.

Those parts of the statement which represent the applicants for separate schools as depending suppliants for authorisation before persons opposed to them, while the reverse is the case in Lower Canada, are a mere play upon words. It is true, the dissenters "apply to" and are "authorised by" a municipality to elect their school corporation, and so does a person "apply to" to the Crown Land Office, perhaps to an opponent, for a deed of land, and is "authorised by" such deed to hold the land; but is he thereby a *dependent*? So do common school trustees, in townships, cities and towns, apply to the municipal councils for sums of money to be raised by rates, and are "authorised" to receive and expend such sums. But are the trustees thereby dependents on the councils? No, the latter are *required* to comply with the application of the former, and have been, in more than one instance, compelled to do so by the decision of the Court of Queen's Bench. So is each municipal council *required* to comply with the application of any twelve heads of families in a school section for a separate school, and *must* include in such separate school section all who apply to be included. What more can be reasonably desired? It is also thus through the municipal council that every school section in Upper Canada is constituted, and the first trustee election in it provided for. And the clerk of each council is required to keep a record of all the school sections in the township. Without such a record there can be no means of knowing the limits of school corporations, or how to levy school rates or exempt parties from their payment within any such school divisions. It is of no more consequence whether the municipal council is favorable or opposed to parties applying for a separate school, than it is that a post

master should be favorable or opposed to the parties applying for letters at his office.

In Lower Canada, where our system of municipal councils is not yet established, school municipalities are constituted by law the same as townships or parishes; but the dissentients desiring a separate school, must address the chairman of the very board of commissioners to whom they are opposed and against whose regulations they must protest in order to obtain a separate school, and then cannot get it unless they can produce twenty resident children between the ages of 5 and 16 years, nor share in the school grant until eight months *after* the school is established, nor without maintaining the attendance of at least 15 children, and certifying their reports on *the oath* of at least two trustees, though a separate school can obtain its share of the legislative school grant in Upper Canada from the time of its establishment, and according to the attendance of pupils, whether 1 or 20, and without certifying the report on the oath of trustees.

2nd Statement.—"In Upper Canada, separate school supporters cannot have a separate school where a Catholic teaches the common school; dissenters in Lower Canada may have separate schools even where a dissenter teaches the common school."

Correction.—The Superintendent of Education in Lower Canada says, in his official circular, "The present act authorises the establishment of dissentient schools *only upon the ground of religious difference*, and to the inhabitants of the minority." In my Annual School Report for 1852, and often since, I have stated that when a separate school is once established, it can be continued as long as the parties establishing it desire, whether the public school is taught by a Protestant or Roman Catholic.

In Upper Canada there are some 300 Roman Catholic teachers employed by Protestant school municipalities; but how many Protestant teachers are employed in Lower Canada by Roman Catholic school municipalities?

3rd. Statement.—"In Upper Canada, separate school supporters cannot elect for a trustee a clergyman having no property; in Lower Canada, dissenters may elect for trustee a clergyman having no property."

Correction.—The law leaves the supporters of separate schools to elect whom they please in Upper Canada, whether a freeholder, householder, or not, whether resident or non-resident, foreigner or subject; of this I have assured Bishop Charbonnel, and Roman Catholic clergymen have been elected school trustees in Perth, Prescott, Brockville, Kingston, and other places.

4th Statement.—"In Upper Canada, separate school supporters must contribute to the common school buildings and libraries; in Lower Canada, dissenters may keep common school buildings for themselves, far from being obliged to contribute to common school buildings or libraries."

Correction.—Supporters of separate schools in Upper Canada are exempted from school rates of every description, except in the single case of school buildings commenced before their separation from the public schools. The latter part of the statement is also a misrepresentation of the school law of Lower Canada. The act, the 26th section of which is referred to as authority for this statement, was passed in June, 1846, and the provision in question applies exclusively to separate schools that were then in operation—not to any that have been established since, or that may be established. The words of the act are, “Provided always, that whenever the majority of the children attending any school now in operation, and the school house *shall belong to or be occupied by such dissentients*, the said school house shall continue to be occupied by them as long as the number of children taught in such school shall amount to the number required by this act, to form a school district.” Thus this provision applies only to school houses which were built under former school acts, and before 1846, and which at that time *belonged to dissentients or were occupied by them*. The law, therefore, simply secured to them what was their own at the time of passing it, but that *only so long* as they should have twenty children between the ages of 5 and 16 years in the school district, with at least fifteen of them attending the school; but it has no application to any school house which has been built since 1846. Under analagous circumstances, all school houses now built or to be built in Upper Canada, would continue, as a matter of course, in the hands of the occupiers of them. The Superintendent of Education for Lower Canada, in his circular to school commissioners, dated 15th June, 1846, refers to the point in question, as follows: “It will be observed, however, that the 21st clause of the act, 9 Vic. ch. 27, placing at the disposition of school commissioners all the lands and school houses acquired, given to, or erected under the authority of former education acts, or of the present act, *gives no power or right to the trustees of dissentient schools to demand the use or possession of the like property, unless they were in possession of the same at the time of the passing of this act.*” [1846.]

5th Statement.—“Separate school trustees cannot be less than twenty-one in Toronto; separate school trustees are only six in Quebec and Montreal—larger cities than Toronto.”

Correction.—There have been fourteen trustees of the public schools in Toronto; there will be twenty the current year.* The act 14 & 15 Vic. ch. 111, leaves it discretionary with the parties supporting separate schools, to have two or more wards of any city united into one, and thus reduce the number of the trustees to three, if they please.

6th Statement.—“In Upper Canada, the separate school trustees cannot exercise the same powers as common school trustees; in Lower Canada, separate school trustees have all the same powers as common school trustees.”

Correction.—The 19th section of the Upper Canada School Act, 13 & 14 Vic. ch. 48, provides expressly that “each separate school shall go into operation at the

* This was written in anticipation of the passage of the clause in the Grammar and Common School Bill providing for the union of the two boards of trustees in each city, town or village in Upper Canada.

same time with alterations in school sections, and *shall be under the same regulations in respect to the persons for whom such school is established, as are common schools generally.*" Then when the powers of school trustees, in respect to levying and collecting school rates were extended in the Supplementary School Act, it was also provided in the 4th section of that act, "that the trustees of each separate school shall be a corporation, and shall have the *same power* to impose, levy and collect school rates or subscriptions upon and from persons sending children to, or subscribing towards the support of such separate school, as the trustees of a school section have to impose, levy and collect school rates or subscriptions from other persons having property in such section, or sending children to, or subscribing towards the support of the common school of such section." The section of the Lower Canada School Act, referred to by Bishop Charbonnel, in respect to the trustees of dissentient schools, provides that "such trustees shall have the same powers and be subject to the same duties as school commissioners, *but for the management of those schools only which shall be under their control.*"

7th Statement.—"In Upper Canada, separate school trustees cannot circumscribe their schools wherever they like; in Lower Canada, separate school trustees circumscribe their schools as they like."

Correction.—There is not one word about circumscribing schools or school divisions in the section of the act to which Bishop Charbonnel refers in this statement. The school municipalities are fixed by law in Lower Canada, and can no more be changed than townships in Upper Canada. In Upper Canada, these school sections are fixed by the local municipalities, and must include all the applicants for a separate school.

8th Statement.—"In Upper Canada, separate school trustees cannot receive their shares from the Chief Superintendent and apply to him for any case they like; in Lower Canada, separate school trustees may apply to the Chief Superintendent in any case, and receive from him their shares in all school funds."

Correction.—The Chief Superintendent in Upper Canada, does not pay money to the trustees of any schools whatever, but to the county, city, and town treasurers, who pay them in behalf of separate school sections, upon the very same terms that they do to all other school sections. Separate school trustees can apply to the Chief Superintendent on any matter they please, the same as the common school trustees.*

9th Statement.—"In Upper Canada, separate school trustees cannot receive any

* The following is printed on every letter sent out from the Department to Grammar, Common and Separate Schools:—

1. *Appeals to the Chief Superintendent of Schools.*—All parties concerned in the operations of the Grammar and Common School Acts have the right of appeal to the Chief Superintendent of Schools; and he is authorised to decide on such questions as are not otherwise provided for by law. But for the ends of justice—to prevent delay, and to save expense,—it will be necessary for any party thus appealing to the Chief Superintendent of Schools: 1. To furnish the party against whom they may appeal with a correct copy of their communication to the Chief Superintendent, in order that such party may have an opportunity of transmitting any explanation or answer they may judge expedient. 2. To state expressly, in the appeal to the Chief Superintendent, that the opposite party has been thus notified; as it must not be supposed that the Chief Superintendent will decide, or form an opinion, on any point affecting different parties, without hearing both sides—whatever delay may at any time be occasioned in order to secure such hearing.

share according to population ; in Lower Canada, according to population, in Quebec and Montreal, and whenever they are not pleased with the municipal assessment and collecting."

Correction.—In Quebec and Montreal there is no school tax, but a certain amount of the city taxes is paid to the Protestant and Catholic School Boards, according to population—the Protestants being much more wealthy in proportion to their numbers than the Roman Catholics, and paying, therefore, much more than they receive. But throughout Lower Canada, the provision of the law is *the same* as in Upper Canada, and provides expressly as follows: "The said trustees shall be a corporation for the purposes of their own dissentient schools and school district, and shall be entitled to receive from the Superintendent, shares in the general school fund, bearing the same proportion to the whole sums allotted from time to time to such municipality *as the number of children attending such dissentient schools bears to the entire number of children attending school in such municipality at the same time.*"

10th Statement.—"In Upper Canada, separate school trustees cannot avail themselves of the municipal assessment and collecting."

Correction.—Nor can they do so in Lower Canada, without declaring their previous dissatisfaction with the arrangements antecedently made by the school commissioners of the said municipality, relative to the recovery and distribution of the assessment ; nor is there any provision to compel the commissioners to pay them ; nor am I aware that this provision of the act is any thing more than a dead letter. Besides, the schools of the majority in Lower Canada are denominational schools ; but those of the minority are not denominational schools. In Upper Canada, church and state union is not admitted ; and the municipalities will not permit themselves to be made tax gatherers for any church, Protestant or Roman Catholic. To impose and collect rates by law for any church, is the worst species of church and state connection.

11th Statement.—"In Upper Canada, separate school trustees must take a census during the greatest heat and cold ; send twice a year the names of parents and pupils, with daily attendance ; the names of subscribers to separate schools, having no children thereat, and the amount of taxes, even unknown ; collect taxes from parents and subscribers."

Correction.—The school law requires all trustees of both common and separate schools, to make semi-annual returns—the one at the end of June, the other at the end of December ; or, as Bishop Charbonnel says, "during the greatest heat and cold." The school law in Lower Canada *requires the same.* No census is required of separate school trustees, except the names of children attending the schools, and of parents and subscribers to their schools, and the amounts of their subscriptions, that they may thus be known, so as to be exempted from the payments of all rates for the public schools. But the trustees of common schools, besides giving returns of the daily and average attendance of pupils, and of the amounts of all moneys received and paid by them, must make a return, (census, if you please) of all children residing in their school section, between the ages of five and sixteen years.

12th Statement.—"In Lower Canada, separate school trustees may receive their shares in all school funds on easy reports and certificates."

Correction.—Though separate school trustees in Upper Canada share in the legislative school grant, in making the same returns, at the same times and in the same ratio as trustees of common schools, yet it is not so in Lower Canada; for there the semi-annual returns of the dissentient trustees, must be made on the *oath* of at least two of them, *which is not required of the school commissioners* in making their returns; nor can the trustees of dissentient schools share in the school fund until after having had a school in operation eight months, and an attendance of at least fifteen pupils—three conditions, these, not required of the trustees of separate schools in Upper Canada.

13th Statement.—"In Upper Canada, separate schools are visited by clergymen of a different faith; in Lower Canada, separate schools cannot be visited by clergymen of Rome."

Correction.—Roman Catholic separate schools in Upper Canada, cannot be visited by Protestant clergymen, who are by law visitors of "the public schools," not of the "separate schools."

14th Statement.—"In Upper Canada, from these penalties general dissatisfaction of dissenters, who cannot have either separate schools or the money due them; witness Toronto, Hamilton, London, St. Catharines, &c. &c.; in Lower Canada, from these liberal clauses working liberally full satisfaction of Protestants."

Correction.—I know not of a Protestant newspaper in Lower Canada satisfied with the school system there; nor have I met with a Protestant who did not express his belief that it is unjust to Protestants. I find, also, that in 1851, there were but 43 dissentient schools in all Lower Canada, and in 1850 there were 44.* But there was no dissatisfaction with the school system among Roman Catholics in Upper Canada, until Bishop Charbonnel excited them to it; nor has there ever been, to this day, a complaint from St. Catharines, or Hamilton, or London; nor am I aware of the existence of a separate school, or a desire for one, in either of those places. Bishop Charbonnel has not been as successful in those places, as he has been in Toronto.

I have thus examined, one by one, the contents of Bishop Charbonnel's "Comparative table of the legislation on separate schools;" and the feeling produced by it cannot fail to be that of surprise at the trivial character of his complaints, and the baselessness of his statements. It must be obvious that so much noise is not made about such trifles, but that these statements and complaints have been put forth as mere pretexts, with a view of accomplishing more important objects; and these objects will be apparent on examining the draft of bill prepared by the Bishop, nothing short of the provisions of which, we are told, "will satisfy the *conscientious* convictions of the Catholics of this Province." I proceed, therefore, to examine the provisions of this draft of bill, which will form the second part of this letter.

* The Superintendent of Education for Lower Canada has not reported the number of dissentient schools since 1851.

II.—*The nature of the demands made in Bishop Charbonnel's draft of bill.*

This draft of bill is the first document that Bishop Charbonnel has printed, stating explicitly what he and his colleagues demand. This document speaks for itself; and no private professions or disclaimers as to what is or is not desired or intended, will be of any value in the face of what is here summarily and deliberately demanded as necessary to "satisfy the conscientious convictions of the Catholics of this Province."

The professed object of Bishop Charbonnel's statements and draft of bill, is to secure to the Roman Catholics in Upper Canada what is enjoyed by Protestants in Lower Canada; but the provisions of the draft of bill itself would confer upon Roman Catholics in Upper Canada what is not enjoyed by Protestants in Lower Canada, or in any other civilized country. Under the pretence of assimilating the school law of Upper Canada to that of Lower Canada in regard to separate schools, an attempt is made to place the property of every Protestant in Upper Canada, the power of every municipality, and the school fund itself, in subjection to the promoters of separate schools, without their being subject to any of the restrictions and obligations to which separate schools in Lower Canada and public schools in Upper Canada are now subject. An analysis of the provisions of this draft of bill will more than justify this assertion.

1. The first feature of this draft of bill that I shall notice, is that which relates to the accountability, or rather *non-accountability of separate school trustees, and the conditions of their claims upon the school fund.* The third and fourth sections provide a special superintendent for separate schools, to whom alone they are to make returns, and such returns only as he may require; and on "a report such as (the sixth section prescribes,) required by him," are provincial and municipal school funds to be paid to separate school trustees, and that according to the last official census of the population. Now, every one of those provisions is contrary to the school law of Lower Canada. Here is a special superintendent for separate schools, which does not exist in Lower Canada; here is no provision as to the kind of returns, or when the returns shall be made, or how attested, all of which are prescribed by the school law of both the Canadas, and are not left to any one man and especially a man chosen to promote a special object. Nothing is prescribed as to the length of time schools shall be kept open in order to share in the school fund, or how conducted, or any inspection. Under such provisions, there might be one separate school in a township or city, that school not kept open more than three days in a year, nor contain more than three pupils, and yet, according to the separate school ratio, the trustees of it receive several hundred pounds of the school fund! It is also here provided that all the money thus to be given to separate schools, shall be paid to the trustees, and that without any personal responsibility on their part as to the expenditure of this money; whereas the school law of Upper Canada does not permit any part of the school fund to be paid into the hands of school trustees at all, but to legally qualified teachers alone, on the written orders of trustees.

2. The second feature of this draft of bill which I notice, is, that it *annihilates the individuality and individual right of choice on the part of the members of the religious persuasion of the separate schools*. The second section provides that "any number whatever of dissidents" in a municipality may establish a separate school; the third section makes three persons signified by themselves *de facto* a corporation; and the sixth section makes them the representatives of the whole population, according to the last census, of the persuasion to which they belong. Thus, any three priests, or any other three members of such persuasion, can erect themselves into a corporation to represent and control the whole population of that persuasion in a municipality, and claim and receive into their own hands school moneys of every kind, according to the numbers of such persuasion, as certified by the last official census, though nine-tenths of such persuasion might wish to remain, and have their children educated with other classes of their fellow-citizens. No such monstrous provision exists in the school law of Lower Canada. In the section of the act there authorizing the dissentients to receive a portion of the assessment, on their protesting against the assessment adopted by the commissioners, (section 18, 12 Vic., chap. 50,) it is only the parties making the representation that are included, and they only receive what they themselves pay to the collector. The law there does not make the last official census the basis of distribution; much less does it ignore individual right of choice. So the school law of Upper Canada recognizes individual rights; deals with each individual for himself, and does not ignore or proscribe him from the public schools and all the privileges connected with them, except at his own request.

3. The third feature of this draft of bill to which I have to call attention, is, that it *transfers all the common school property of Upper Canada from its present occupiers to the trustees of separate schools*. The seventh section repeals all the provisions of the present common school acts of Upper Canada that are contrary to the provisions of this act; and the third section gives to the trustees of separate schools all the rights and powers which the 12th & 13th sections of the school act of 1850 give to the present trustees of common schools; and the 12th section of that act includes the possession and control of all common school property in Upper Canada. Truly this is a very ingenious and modest provision to "satisfy conscientious convictions!" And this is far from being all; for,

4. A fourth feature of this draft of bill is, that it *gives the trustees of separate schools unrestricted power to tax all property in Upper Canada*,—not only that which belongs to the supporters of separate schools, but that which belongs to every Protestant and every Roman Catholic in Upper Canada. The present Upper Canada school law makes the trustees of separate schools corporations, and gives them the same power in the management of their own schools and in respect to all persons for whom such schools are established, as is possessed by the trustees of common schools, but the "conscientious convictions" of Bishop Charbonnel and his colleagues require much more. They claim by the 3rd section of this draft of bill "all the same rights and powers" which the 12th section of the school act of

1850 gives to the common school trustees. These "rights and powers" thus claimed, are not restricted to any class or classes of persons, but are absolute and universal. The only restriction on them is that which is contained in the 13th section of the same act—a section imposing a fine of five pounds upon a trustee convicted of "knowingly signing a false report"—a section of no effect in connexion with the other provisions which relieve separate schools of all inspection, create for them a special superintendent of their own, and with no obligation, to make any returns except such as he may require from them. The 9th, 10th, 11th, 14th, 18th, 29th and 31st sections of the school act of 1850, (13 & 14 Vic., chap. 48,) and the 4th, 5th, 6th, 9th, 10th, 11th, 12th, 13th and 17th sections of the supplementary school act, (16 Vic., chap. 185,) impose various restrictions and obligations upon trustees in regard to the exercise of the large powers which the nineteen clauses of the 12th section of the school act of 1850 confer upon them—thus preventing them from levying any rate upon the supporters of separate schools, requiring semi-annual returns, limiting their applications to councils, &c., &c., &c.; but the 3rd section of this draft of bill discards all these restrictions and obligations, and demands for the trustee corporations to be created, absolutely and without restriction all the "rights and powers," as well as all the property which the 12th section of the school act of 1850 confers upon common school trustees, the 8th clause or paragraph of which authorises them "to apply to the municipality of the township, or employ their own lawful authority, as they may judge expedient, for the raising and collecting of all sums authorised in the manner hereinbefore provided, *to be collected from the freeholders and householders of such section, by rate, according to the valuation of taxable property, as expressed on the assessor or collector's roll.*" Here is no restriction as to persons or property; all are subject to the taxing power of the separate school trustees—but whom this draft of bill makes the sole school trustees! And in this connection it is also to be observed, that the proviso in the 2nd section of this draft of bill allows none but dissentients to vote at the election of these trustees. This is also the provision of the present law; but the present law restrains the acts of the trustees thus elected, to the property and persons of the dissentients. This draft of bill, however, while it restricts the elective franchise to a particular class, gives the trustees elected by that class, power over all the taxable property of all classes of freeholders and householders in the section. Nor is this all, for—

5. A fifth feature of Bishop Charbonnel's draft of bill is, that it *gives the trustee corporations it creates, equal power over the municipal councils as over individuals.* The 8th clause of the 12th section of the school act of 1850, above quoted, gives the trustees power to apply, at their pleasure, to the municipality, to impose school rates; and the 18th section of the same act makes it the duty of such council to levy and collect the amount of rates thus applied for, from all the taxable property of the section concerned; and the sixth section of this draft of bill requires the Chief Superintendent to pay the amount of such taxes, if the municipality fails to do so. Thus is every municipality in Upper Canada, as well as the school fund, subjected to the discretionary demands of separate school sections. Nor is even this all, for—

6. A sixth feature of this draft of bill is, that it *ties the hands of all public school trustees (were any to exist,) from doing anything for their own schools without doing also as much for the separate schools*; for the sixth section of this draft of bill requires "all taxes for school and library purposes," as well as "any provincial and municipal funds," to be paid to the trustees of separate schools, in proportion "to the population they represent, according to the last official census." Thus, whatever might be done by any parties for the erection of public school-houses, or the support of public schools, they could not raise a penny by taxes even from themselves, without dividing it with the trustees of separate schools, who are not subject to corresponding obligations—who may do nothing whatever—and who are to receive not in proportion to their taxable property, but in proportion population, though the ratio of that population may be three times that of the taxes they pay, as is the case even in the city of Toronto.*

I might remark upon other minor features of this draft of bill, and show its operations in other aspects. But the six features I have exhibited, sufficiently prove that it contemplates the complete destruction of our public school system, and the subjection of the school funds, municipalities and property, and whole population of Upper Canada to a religious domination such as is without a parallel in any age, and is incompatible with the free government or liberties of any country. I doubt whether the ingenuity of man could devise under meeker pretensions, and in fewer words, the destruction of the educational institutions and the constitutional liberties of a whole people, and their prostrate subjection under the feet of a religious denomination. The authors of this draft of bill must have presumed marvellously upon their own power, and upon the simplicity of the members of the legislature. I am persuaded that no persons will more promptly recoil from and repel such a measure than the great body of the Roman Catholic members of the legislature and of the community, who will be grieved and ashamed to see the worst imputations of their opponents exceeded by the monstrous propositions covertly involved in what is demanded by Bishop Charbonnel and his colleagues, under the pretext of "satisfying their conscientious convictions."

The members of the legislature now have the issues of the whole question before them; and they, as well as the people of Upper Canada at large, will understand their rights, their interests and their duty.

III.—*Course of proceeding which I have pursued, and which Bishop Charbonnel has pursued towards me, in respect to separate schools.*

Having examined Bishop Charbonnel's statements and analysed the provisions of his draft of bill, I will now briefly advert to the course of proceeding which I have pursued, and which Bishop Charbonnel has adopted towards me, in respect to separate schools.

* The Trustees of the Roman Catholic Separate Schools in Toronto in 1852, claimed £1,150 for their schools; and in reporting upon this demand, the Committee of the Board of School Trustees state that—"From a recent return your Committee find that the total annual value of the taxable property in the city amounts to £186,983 5s.—of this the proportion held by Roman Catholics is £15,750 10s. The total nett amount of school tax for last year, at 2½d in the pound, was £1,800: the nett proportion contributed by the Roman Catholic inhabitants was only £156 10s."

1. Ten years ago, when I assumed the duties of my present office, I found provisions for separate schools in the school act, and a few of them in operation—about as many Protestant as Roman Catholic. I determined to know neither religious sect nor political party in the discharge of my official duties. Believing that Roman Catholics had been hardly treated in Ireland, I resolved as far as I could, to give them no just cause of complaint in Upper Canada; and if there is any one class of the community that I have endeavored to benefit, as such, more than another, it is the Roman Catholics. My friendly bearing towards them has subjected me more than once to severe criticisms from some Protestant writers. During the life of Dr. Power, late Roman Catholic Bishop of Toronto, and until Bishop Charbonnel commenced his crusade and agitation three years ago, no complaints were heard against the separate school provisions of the school law. Bishop Power, virtually a Canadian, being a native of Nova Scotia, had a patriotic desire to elevate the Roman Catholic population of the country, and believed that that would be best effected by their children being educated with the children of other classes, wherever party feeling did not oppose insuperable obstacles to it. Bishop Charbonnel (who, on my recommendation, was, before his arrival in Toronto, appointed a member of the Council of Public Instruction for Upper Canada, in place of Bishop Power,) professed the same views and feelings during a year or more after his arrival. Then he began to attack mixed schools, as such, then to attack the character of our schools generally, then the character of the people at large, then the provisions of the school law, demanding that municipalities should be compelled to build school-houses for separate schools, and support them the same as public schools. How frivolous were his complaints, how groundless his statements, and how unreasonable his views, is known from the correspondence which took place between him and myself during the year 1852, which was printed by order of the House of Assembly.

2. But what has been my course of proceeding? Not only was there no complaint against the law, or any part of my administration of it from 1845 to 1852, but when the school bill of 1850 was under consideration, and a desire was expressed that the option of having such separate schools should be with the applicants and not with the municipalities, as it had been in cities, towns, and villages, I so framed the 19th section that it was cordially approved of by the acting Ecclesiastical Heads of the Roman Catholic Church, and voted for by all its members in the legislature.

The Roman Catholics demanding more than one separate school in Toronto, and the judges having decided that but one could be legally demanded in a school section, (which each city or town was held to be,) I prepared and recommended the passing of the act 14 & 15 Vic., chap. 111, which gave the right of a separate school in each ward of a city or town; and for which I afterwards received the formal thanks of Bishop Charbonnel and Vicar General McDonald.

Then, when in 1852, Bishop Charbonnel complained so vehemently of the injustice of taxing supporters of separate schools at all, according to the provisions of the act, I prepared and submitted in August of that year, the fourth section of the supplementary school act, 16 Vic. chap. 185,—which exempted the supporters of

separate schools from the payment of all school taxes whatever, and their teachers from going before any public board of examiners, and invested them with as full power in regard to their own schools and their own supporters as have the trustees of common schools in regard to the public schools and the other classes of the community.* The bill was printed some months before it passed; and this fourth section was as highly commended by supporters of separate schools as it was denounced by their opponents. On its becoming a law, the *Toronto Mirror* (the newspaper in which Bishop Charbonnel published his official notices and letters, and which he commended from the pulpit and by letter, to the support of the faithful,) published two editorials (the 1st and 8th July, 1853), eulogistic of this section of the act. It was considered not only as securing the rights claimed by the parties concerned, but as calculated to accomplish another object, apparently as dear to the heart of Bishop Charbonnel and his organ as the establishment of separate schools themselves—namely, the destruction of a national system of education. An extract from each of these editorials will illustrate the spirit and feeling with which this enactment was viewed and received:

“The public satisfaction will be heightened by removing all anxiety from the mind of Catholic parents respecting the education of their offspring; and the sour bigot [Chief Superintendent of Schools,] with the vaunt of liberality on his tongue, but the poison of proselytism in his heart, will be relieved from a great load of care. He can give his undivided attention to his own affairs, and leave the progress and management of the culture of Popish children to the direction of their parents and the patronage of the Priests.”

“State-schoolism—that daring outrage on the rights of conscience, and the tender ties of domestic affection—has received its deadly wound, from which it never can recover; and the laws of nature and the injunctions of heaven will be no longer violated by severing the connection between the parent and the child. The right has been secured by the laborious exertions of the friends of religious education, and the liberality of an enlightened legislature; and we trust that a faithful application of this salutary enactment will produce all the benefits anticipated, and remove all existing dissatisfaction on this vital question.”

To shew how entirely this enactment of the supplementary school act exempted the supporters of separate schools from all taxes for public schools, I will make ye another quotation from the editorial of the *Toronto Mirror*, of the 8th July, 1853. It is as follows, the italics and capitals being those of the *Mirror*:

“Some misapprehension, we understand, exists respecting the support of separate schools, and insinuations have been thrown out that persons rated for such school purposes may still be subject to the common school tax. The misrepresentation, whether proceeding from ignorance or a more reprehensible source, can at once be removed by a simple reference to the commencement of the 4th clause. We find it there distinctly stated—

“That in all cities, towns, and incorporated villages and school sections, in which separate schools do, or shall exist, according to the provisions of the common school acts of Upper Canada, persons of the religious persuasion of each such

* See No. 2 of this correspondence.

separate school, sending children to, or supporting such school by subscribing thereto annually an amount equal to the sum which such person would be liable to pay if such Separate School did not exist, on any assessment to obtain the annual Common School Grant for each such city, town, incorporated village or township, shall be exempted from the payment of ALL rates imposed for the support of the Common Public Schools of each such city, town, incorporated village or school section, and of ALL rates imposed for the purpose of obtaining the Legislative Common School Grant, for such city, town, incorporated village or township."

"We should consider these terms sufficiently explicit and intelligible. There is no ambiguity, no mystery, but everything expressed in words so plain and concise as to render misapplication impossible. Those persons who contribute to the maintenance of Separate Schools to the amount of their liability to the Common School Tax, shall be totally exonerated from ALL taxes for Common School purposes. Those who do *not* contribute to the support of Separate Schools shall be compelled to pay their full proportion of the Common School rates."

Such was the light in which this enactment was viewed by those who demanded it. But instead of its being carried fairly into effect by the Roman Catholic separate school trustees in Toronto, their secretary (Hon. John Elmsley,) resisted making the returns which the act required, and then complained of injustice and wrong at the hands of the Municipal Council of the City of Toronto. An appeal was made to me; and the questions raised were discussed in correspondence which took place between Mr. Elmsley and myself, in the autumn of 1853. Soon, a new agitation was commenced against these shortly-before lauded provisions of the supplementary school act. It was complained that the local municipalities obstructed its operations, and that requiring the payment of these school rates to separate schools as a condition of having them, was a hardship, and it was demanded that the Chief Superintendent (who was responsible, and could be complained of to the government,) should divide the school grant between the public and separate schools, and should pay it directly to them. Some time last summer, the late Inspector General (Hon. F. Hincks,) communicated with me on this subject, and suggested whether I could not undertake to distribute and pay the school grant to separate schools, as this would be satisfactory to the complaining parties. I expressed my conviction that this would not satisfy Bishop Charbonnel—that I was satisfied he had ulterior objects in view—that his object was to get a measure by which the Catholic population, *as a body*, would be separated from the public schools, and the municipalities made tax-gatherers for the separate schools. But in deference to Mr. Hincks' wishes, and as he had done so much to aid me in my work, and to promote the public school system, and seemed to think it would be satisfactory, I consented to undertake the task proposed, although I had expressed strong objection to it in my printed report for 1852. Accordingly, in a draft of bill which I transmitted to Mr. Hincks, with explanatory remarks, the 6th September, 1854,* I prepared these clauses, providing that the separate schools and public schools in municipalities where they both exist, should report semi-annually to the Chief Superintendent—that he should determine the sums payable to them respec-

* See No. 3 of this correspondence.

tively, and pay the sums thus awarded—that the trustees of separate schools should be relieved from making any returns of the names of the supporters or pupils of their schools; but in order to be exempted from all public school taxes, they should do as they do in Lower Canada, make a declaration in writing to their municipal council, before the 1st day of February each year, that they are supporters of separate schools. Mr. Hincks' administration ceased to exist a day or two after my draft of bill was put into his hands; and it was subsequently handed over to you. I believe the clauses I submitted were at first viewed favorably by the lay members of the Roman Catholic church, who examined them, and who were probably not aware of Bishop Charbonnel's real objects. I think he calculated upon my refusing to accede to the proposition of Mr. Hincks, and that he would thereby obtain an advantage. But whether that be so or not, I am glad that he has refused to accept that which I had assented to and proposed. The result is, that Bishop Charbonnel has been compelled to do what the Earl of Elgin complained a year ago that he could not get him to do—that is, to state explicitly what he wanted in regard to separate schools. All parties will now know Bishop Charbonnel's terms and conditions of peace and harmony in Upper Canada. It now remains to be seen whether the people will accept them or not.

I have thus stated the course I have pursued in regard to separate schools from the beginning to the present time, as also the course pursued by Bishop Charbonnel. It will have been seen that what he professed to be well satisfied with at one time, he complained of at another; and that he has made every new concession the starting point of a fresh agitation for further concessions. It may also now be submitted, whether I have not rather erred on the side of concession than otherwise. I have done all in my power, and incurred much opposition and obloquy to gratify the wishes of Bishop Charbonnel in everything that did not involve the subversion of a system of public instruction, and the constitutional and sacred rights of individuals and municipalities.

I have been given to understand that one reason of Bishop Charbonnel's demand for a special superintendent of separate schools is, that I expressed myself unfavorably as to their success in my Annual School Report for 1852; and my right to do so in such a document has been called in question. On this point I observe, *first*, that the school act expressly requires me to include in my annual report of the state of the schools, "such statements and suggestions for improving the common schools and the common school laws, and promoting education generally, as I shall deem useful and expedient." Strictly of this character were my observations in my report for 1852, in which I justified the government and legislature in maintaining the separate school provisions of the law, as an actual experiment was the only means of satisfying the parties claiming separate schools as to their expediency and advantage, or otherwise, and which I believed would result in a conviction that the public schools were more economical and advantageous to all parties concerned. I remark, *secondly* that the Superintendent of Education in Lower Canada has, from year to year, not only discussed actual and proposed provisions of the school law, but the conduct of various parties in regard to the law and the school, and especially a class whom he terms "*Eleignoirs*," on whose proceedings he animadverted with great severity—

much more severely than I have remarked even in this letter upon the proceedings of Bishop Charbonnel. I remark, *thirdly*, that my discussing the provisions of the law respecting separate schools in but one annual report during ten years, sufficiently shows that there must have been some strong necessity for it at the time and a reference to that report will furnish ample proof of that necessity, as well as amply justify the observations made. I remark, *fourthly*, that if Bishop Charbonnel found anything officially objectionable in that report, he should have complained of me at the time to the government, and not brought it forward privately at this late period to aid in accomplishing a particular object. I remark, *lastly*, that it argues an obliquity of judgment, not easily conceived, to suppose that I cannot be impartial (even if I had to decide them) on matters between separate and public schools, because I intimated that the latter could not be destroyed by the former (as some advocates for abolishing the separate school clauses of the law had contended), as I believed the latter would, after fair experiment, be preferred by all parties to the former. The very fact, that, with all the anxiety of the Bishop to seize upon every trifling shadow of complaint, he has not ventured to charge me in any instance with administrative partiality, shows the utter injustice of his imputations. I have expressed my belief, and that frequently and with great earnestness, that free schools are more economical and advantageous for all classes than rate-bill schools; yet the majority of the schools of the country are still of the latter class; but how perverted must be the mind that would on that account assail me as partial in administering the law in regard to rate-bill and free schools.

I may also observe that the objection is equally absurd that I must, in the discharge of my official duties, be hostile to the Church of Rome because of my replies to the attacks, and my remarks upon the statements and proceedings of Bishop Charbonnel; I have found it necessary in justification of the school system and of myself, to reply to Protestant ecclesiastics as distinguished, and of much longer standing in the country than Bishop Charbonnel; but who would on that account think of charging me with hostility to the churches of which they are ministers? Nay, on more than one such occasion, I have expressed the sentiments as well as advocated the interests of the great majority of the members of the churches referred to. To no class of persons, more than to Roman Catholic statesmen, was the former correspondence of Bishop Charbonnel with me painful and mortifying; and none more than they will feel scandalized at the fabulousness of his recent statements, and the unconstitutional character and unheard-of provisions of his draft of bill.

I think I have now shown that Bishop Charbonnel's complaints against the school law of Upper Canada, in comparison with that of Lower Canada in regard to separate schools, are without foundation; that the comparison of exemptions and powers is in favor of the separate schools of Upper Canada; that if separate schools in Upper Canada are not multiplied and if those established languish or are soon abandoned, it is not in the law that the cause is to be found, but in the acknowledged greater efficiency and more popular character of the public schools in Upper than of those in Lower Canada—in the greater freedom of our school and municipal systems and the unwillingness of the great body of the Roman Catholic population to isolate

themselves and their children from these free institutions and their fellow citizens, and to erect and sustain separate establishments for themselves—and also in the greater mental culture and wealth of the Protestant minority as compared with the Roman Catholic majority in Lower Canada than that of the Roman Catholic minority in Upper Canada as compared with the Protestant majority.* I think I have also shown, that Bishop Charbonnel and his colleagues claim upon the ground of “conscientious convictions” a legislative enactment to deprive the Roman Catholics of the individual right of choice in school matters,—severing them from the rest of the population by law, and not by individual option—that the three Bishops claim Protestant taxes as well as Protestant school property in support of Roman Catholic schools, and the discretionary subjection to them of the school fund and all the municipalities of Upper Canada.

Under these circumstances there are obviously three courses before the legislature—to maintain the separate school provisions as they are, and leave separate schools to work out the experiment of their own destiny; to concede to the claims of Bishop Charbonnel and his colleagues, and thus bring on a war with the municipalities and people of Upper Canada such as has never been witnessed; or to abolish the separate school provisions of the law altogether, allowing exclusive privileges to none, but equal rights and protection to all.

I have the honor &c.,

(Signed)

E. RYERSON.

The Hon. JOHN A. MACDONALD, M.P.P.,
Attorney General for Upper Canada,
Quebec.

* But notwithstanding these facts, there are fewer separate schools in Lower than in Upper Canada, the number in the former (L. C.) being 43, in the latter (U. C.) 53: this shows that the school law must be more favorable to separate schools in Upper Canada than in Lower Canada.

No. 7. Table shewing the number of Protestant and Roman Catholic Separate Schools in Upper Canada.

MUNICIPALITIES.		DATE OF ESTABLISHMENT.																OBSERVATIONS.		
COUNTY.	TOWNSHIP.	Total.	Protestant.	Roman Catholic.	In 1841.	In 1843.	In 1844.	In 1845.	In 1846.	In 1847.	In 1848.	In 1849.	In 1850.	In 1851.	In 1852.	In 1853.	In 1854.		Not reported	Christian Brothers.
Glengarry	Lochiel	1	1														1		1	
Prescott	Hawkesbury East	1	1												1					
Carleton	Osgoode	1	1												1					
Leeds	Kitley	1	1				1													
Frontenac	Kingston	2	1	1	1	1														
Do	Wolfe Island	1	1	1													1			
Addington	Camden East	1	1	1											1					
Prince Edward	Hallowell	1	1	1													1			
Hastings	Thurlow	1	1									1								Report refused by Trustees in 1853.
Northumberland	Seymour	1	1	1													1			
York	Etobicoke	1	1	1		1														
Simcoe	Medonte	1	1	1								1								Discontinued 1851.
Haldimand	Oneida	1	1	1													1			
Oxford	Norwich & Dereham	1	1	1																
Waterloo	Wellesley	2	2						1	1							1			
Do	Wilnot	1	1				1													
Wellington	Arthur	2	2														1	1		
Do	Nichol	1	1	1													1			
Perth	Easthope South	1	1		1															The Local Superintendent reports (1855) :—"This school is a complete failure, and one of the most irregularly conducted in the whole County. I witnessed nothing in it but rudeness and bad discipline."
Huron	McKillop	1	1									1								Discontinued 1853.
Middlesex	Westminster	1	1	1				1												
Elgin	Yarmouth	1	1	1														1		Discontinued 1850.
Essex	Maidstone	1	1	1										1						Discontinued 1852.
Do	Malden	1	1	1													1			
Do	Sandwich	2	1	1				1									1	1	1	
City of Toronto		7	7		1				1	1	1			3	1	1		7	7	These 7 Separate Schools are established in 6 wards of the City of Toronto. In the other ward (St. George's) a corporation of Trustees exists, but it has no school to manage.
Do	Hamilton	1	1							1										Discontinued 1852.
Do	Kingston	2	2									1					2	2	3	Although 7 Separate Schools were applied for, only two have as yet been established
Town of Belleville		1	1											1				1		
Do	Brantford	1	1	1												1				
Do	Brockville	1	1	1																
Do	Goderich	1	1	1												1				
Do	Niagara	1	1	1														1		
Do	Perth	1	1	1													1			
Do	Peterborough	1	1	1											1					
Do	Pictou	1	1	1								1								
Do	Prescott	1	1	1															1	
Do	Amherstburgh	1	1	1											1				1	
Do	Chatham	1	1	1										1						1
Do	Guelph	1	1	1												1				
Village of Preston		1	1	1						1										Discontinued 1853.
Do	Thorold	1	1	1													1			
Total		53	4	49	1	4	2	1	1	3	1	2	5	2	9	12	8	2	14	12

Mem.—In Lower Canada there were 43 Dissident (Separate) Schools in 1851; since then they have not been separately reported by the Superintendent of Education.